

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

RUBY STREETER,

Plaintiff,

V.

**OFFICE OF DOUGLAS R. BURGESS, LLC,
and DOUGLAS R. BURGESS,**

Defendants.

Civil Action No. 1:07cv97-WKW

**Defendants Office of Douglas R. Burgess, LLC and Douglas R. Burgess's
Response to Plaintiff's Motion Plaintiff's Motion to
Deem Requests for Admission Admitted**

COMES NOW, Defendants Office of Douglas R. Burgess, LLC and Douglas R. Burgess
and responds to Plaintiff's Motion to Deem Requests for Admission Admitted as follows:

1. Defendants previously provided responses to the Plaintiffs Discovery Requests to the counsel for the Plaintiff on June 26, 2007.
2. Defendants informed the Plaintiff that they were not represented by counsel and that the discovery responses had not been reviewed by any previous or new counsel.
3. Defendant, Douglas R. Burgess informed the Plaintiff that he was in the process of trying to retain local counsel and that he would supplement the discovery responses as soon as possible.
4. Defendants have obtained new local counsel as of July 11, 2007 and have sent the new, completed responses to counsel for Plaintiff as of July 25th, 2007.
5. The Plaintiff has not been prejudiced by any delay in receiving responses.

6. Having to prepare for a trial on the merits is not the type of prejudice which the plaintiff can raise to combat the defendant's motion for leave to file late answers because preparing for a trial on the merits was plaintiff's burden from the beginning.

WHEREFORE, Defendants respectfully request that this Court deny the Plaintiff's Motion to Deem Facts Admitted and allow the case to be determined on the merits.

Respectfully submitted this the 27th day of July, 2007.

/s/ W. McCollum Halcomb
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Certificate of Service

I hereby certify that I have served the Notice of Appearance upon counsels for the Plaintiff, via US Mail, postage prepaid, this the 25th day of July 2007, to the following address:

David G. Poston
Walter A. Blakeney
Michael D. Brock
Gary W. Stout
BROCK & STOUT
Post Office Drawer 311167
Enterprise, AL 36330

/s/ W. McCollum Halcomb
W. McCollum Halcomb